

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

HENRY DUANE ROTHROCK,)
vs.)
Petitioner,)
vs.) Case No. 5:09-cv-681-TMP
BILLY MITCHEM, Warden;)
ATTORNEY GENERAL OF)
THE STATE OF ALABAMA,)
Respondents.)

O R D E R

On September 29, 2009, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be denied and dismissed with prejudice. The petitioner filed objections on October 21, 2009.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the petitioner's objections, the court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby DENIED and DISMISSED WITH PREJUDICE.

DONE and ORDERED this 30th day of October, 2009.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE